IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 310 of 2000

with

CRIMINAL APPEAL No 311 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS
and
Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

KHERABHAI BHIKHABHAI MANEK

Appearance:

MR AJ DESAI, APP for appellant in both the appeals

CORAM : MR.JUSTICE K.R.VYAS
and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 21/04/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE K.R.VYAS)

The learned Additional Sessions Judge, Jamnagar by judgment and order dated 27-1-2000 passed in Sessions Case No.39 of 1997 and 47 of 1997 convicted accused No.1-Shanabha Ranabha Hindu Vadher for the offence punishable under Sec.307 and was sentenced to suffer imprisonment already undergone by him (i.e. from 27-12-1996 to 27-1-2000). The learned Judge acquitted accused No.2-Kherabha Bhikhabha Manek for the offences punishable under Secs.307, 324, 323 read with 114 of IPC. The State has preferred these two appeals challenging the order of acquittal of accused No.2 and order of sentence passed against accused No.1. After having heard Mr.A.J.Desai, learned APP and after having gone through the relevant evidence on record, we are of the opinion that no interference is called for. In our opinion, learned trial Judge was justified in passing the order of acquittal in favour of the accused No.2. Learned Judge was also justified in taking into consideration the circumstances stated by him in passing the order of sentence against accused No.1. In our opinion, accused No.1 having remained in jail for three years, it cannot be contended that a lenient view is taken in the matter. There being no substance, these two appeals are dismissed summarily.

(K.R.Vyas,J.)

(R.P.Dholakia,J.)

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